

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark L. DiOrio
Assignee: Celerity Research, Inc.
Title: DEVICE PROBING USING A MATCHING DEVICE
Serial No.: 10/718,031 Filing Date: November 19, 2003
Examiner: Jimmy Nguyen Group Art Unit: 2829
Docket No.: MTB005US1P

San Jose, California
February 7, 2006

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
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**REQUEST FOR REFUND TO DEPOSIT ACCOUNT
AND CORRECTION OF USPTO RECORDS**

Sir:

Applicant respectfully requests a refund in the amount of \$60.00, which was erroneously charged to Deposit Account No. 50-1767. Applicant also requests a correction of the USPTO records to show that a response to the Office Action dated September 6, 2005 in the above-identified patent application was submitted on December 6, 2005.

Applicant responded to the Office Action dated September 6, 2005 for the above-identified patent application and included with the response a transmittal letter dated December 6, 2005 (copy attached). The transmittal letter included a conditional petition for extension of time and an authorization to charge any required fees associated with the above-identified application to deposit account No. 50-1767. According to the Monthly Statement of Deposit Account (redacted copy attached), the U.S. Patent and Trademark Office charged deposit account No. 50-1767 in the amount of \$60.00 on December 15, 2005 under fee code 2241, the small entity fee for a one-month extension of time. Applicant telephoned the USPTO and was informed that the USPTO records show the response to the Office Action dated September 6, 2005 was submitted on December 7, 2005. However, the date and the charge are incorrect because the response in question was submitted by express mail on

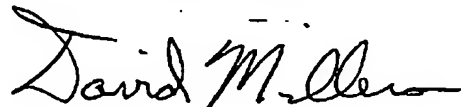
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December 6, 2005 and as shown by the express mail label (copy attached) showing December 6, 2005 as the date-in date at the U.S. Postal Service and the return receipt postcard (copy attached), which was submitted with the response, contains marked with the express mail label number, and was stamped as received at the USPTO. Accordingly, no extension of time was required. Applicant therefore requests a refund in the amount of \$60.00 be credited to deposit account No. 50-1767 and also requests correction of the USPTO records.

Please contact the undersigned attorney at (408) 927-6700 if there are any questions concerning this request.

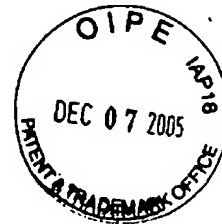
Respectfully submitted,



David Millers
Reg. No. 37,396

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Title DEVICE PROBING USING A MATCHING DEVICE
Inventor Mark L. DiOrio
Serial No. 10/718,031
Filing Date November 19, 2003
Atty. Docket No. MTB005US1P



ENCLOSED:

1. This Return Receipt Postcard;
2. Transmittal (1 page, in duplicate);
3. Response to Office Action (8 pages); and
4. Information Disclosure Statement (2 pages, in duplicate) and SB08A (1 page).

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Account No.	501767
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